



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,729	12/04/2001	Rupert Gall	A34822 - 071308.0263	1328

7590

01/06/2005

Andreas Grubert
Baker Botts L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, TX 77002-4995

EXAMINER

DINH, NGOC V

ART UNIT

PAPER NUMBER

2187

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/006,729	Applicant(s) GALL ET AL.	
	Examiner NGOC V DINH	Art Unit 2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to Amendment filed 09/30/04.

Applicant's arguments filed 09/30/04 have been considered by the Examiner and are deemed persuasive. Accordingly, the rejection of claims 1-13 based on Rangachari et al and Ueda in the office letter dated 08/25/04 is respectfully withdrawn and the following rejection based on Gertner et al is applicable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 5-6 are rejected under 35 U.S.C.102 (e) as being anticipated by Gertner et al. PN 6049775.

Gertner teaches:

Per claim 1:

an automation system [mail processing devices, abstract; fig. 1] comprising: an industrial technical installation [fig. 5]; an input and output unit coupled to the industrial technical installation; a bus coupled to the input and output unit [fig. 1, the personal computer 12 communicates with site A and site B through either backbone bus LAN or WAN by TCP/IP network; col. 13, line 56 to col. 14, line 14];

a personal computer [fig. 1] comprise a work drive unit [hard disk, internal memory, col. 4, lines 55-60] and a back drive unit [175, 176, fig. 17; col. 13, lines 30-15], wherein work programs [Window 95/NT, UNIX, col. 14, lines 15-25; system management and utilities, col. 10, lines 45-65; backup/restore functions, col. 13, lines 5-10] for the industrial technical installation and work data [table 1, col. 7; table 3, col. 8] for the industrial technical installation are stored in the work drive unit, and further wherein a backup copy of at least part of the work program and work data are stored by means of a

Art Unit: 2187

backup program in the backup drive unit [col. 13, lines 5-35; e.g., “automatic backup capability for data and configuration files”, col. 14, lines 5-10; fig. 17], so that said part of the work programs and work data can be easily restored, wherein the work program comprises system programs [Window 95/NT, UNIX, C++, col. 14, lines 15-25] including the backup program and application programs, and the work data comprises system data assigned to system programs and application data assigned to application programs [col. 10, lines 45-65; col. 13, lines 1-35; col. 14, lines 15-25].

Per claim 5:

The system drive unit has a main system drive unit [hard disk of computer 12, fig. 1] and auxiliary system drive unit [floppy disk of computer 12, fig. 1], and further wherein an auxiliary operating system [Window NT, col. 14, lines 20-25] its system data and backup program are stored in the auxiliary drive unit [col. 13, lines 5-15], and a main operating system [OS/2] and its system data are stored in the main system drive unit [col. 13, lines 5-40; col. 14, lines 1-25].

Per claim 6:

Inherently, Gertner teaches the drive units are logical drive units of a common physical drive unit. This is because in a personal computer, there are two types of disk drives are in common use: hard disk drive or a common physical drive unit and is a high/fast capacity storage unit, and the logical drive units [e.g, Drive A, Drive b, Drive D, ..] are the logical device names reserved by MS-DOS and assigned to the physical drive unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4 is rejected under 35 U.S.C 103(a) as being unpatentable over Gertner, and in view of Shapiro et al PN 6574588.

Art Unit: 2187

Per claim 4:

Gertner teaches the claimed limitations as mentioned above.

Gertner does not explicitly teach the work drive unit has a system drive unit and application drive unit, and the system programs and the system data are stored in the system drive unit, and the application programs and the application data are stored in the application drive unit.

Shapiro teaches a computer system comprises a hard drive [131, fig. 1] for storing its operating system and data; a CD-ROM drive [121, fig. 1] for storing its application program and data [fig. 1; col. 4, lines 12-35].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to partition memory unit into plurality of disk drives, as taught by Shapiro into Gertner' system, into: two, three, four disk drives and even greater numbers, limited only by the addressing capabilities of the system architecture and the resident operating system, then store the system programs and application programs in separate disk drives in order to ease the system management. Further more, partitioning memory unit into plurality of disk drives and store different programs in different drives is well-known in the art. By placing system programs and application programs in its own separate partition, sufficient physical memory can be allocated to that program code's memory space to provide for any foreseeable memory size increases due to program upgrades.

4. Claim 7 is rejected under 35.U.S.C 103(a) as being unpatentable over Gertner.

Per claim 7:

Gertner does not teach the backup drive unit is able to store at least two backup copies. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store more than one backup copy in the system as long as the storage capacity of the system allows to do so.

Art Unit: 2187

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Conboy et al PN 6308107 discloses an automated material handling system.

b. Radko PN 6047307 discloses memory partition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc Dinh whose telephone number is (571) 272-4191. The examiner can normally be reached on Monday-Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A. Sparks, can be reached on (571) 272-4201. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

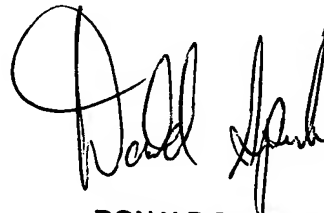


NGOC DINH

Patent Examiner

ART UNIT 2187

December 27, 2004



DONALD SPARKS
SUPERVISORY PATENT EXAMINER